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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
---X

In Re: Chapter 11

SAMMY EL JAMAL, Case No.: 15-22872(RDD)

Debtor.
---X
BRENT COSCIA,

Plaintiff,

-against-

Adv. Pro. No.: 15-08361(RDD)

SAMMY EL JAMAL,

Defendant.
---X

DEFENDANT'S ANSWER TO COMPLAINT WITH AFFIRMATIVE DEFENSES

Defendant **SAMMY ELJAMAL**, by his attorney Penachio Malara, LLP, as and for his Answer to the complaint (the "Complaint") of the plaintiff, Brett Coscia (the "Plaintiff"), respectfully states as follows:

1. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4" of the Complaint.

2. Defendant admits the allegations contained in paragraphs "1," "2," "3," "5," "6," 7," "8," "9," "10," "12," 13," "14," "15," "16," "17," and "18" of the Complaint.

AS AND FOR COUNT 1

3. Defendant repeats and reiterates the answers to allegations contained in paragraphs "1 through 19" of the Complaint inclusive, as if fully set forth herein.

4. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "20" of the Complaint.

5. Defendant admits the allegations contained in paragraphs "21" and "22" of the Complaint.

6. Defendant denies the allegations contained in paragraphs "23," "24," and "25" of the Complaint.

AS AND FOR COUNT 2

7. Defendant repeats and reiterates the answers to allegations contained in paragraphs "1" through "26" of the Complaint inclusive, as if fully set forth herein.

8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "27" of the Complaint.

9. Defendant denies the allegations contained in paragraphs "28," "29," "30," "31," and "32" of the Complaint.

AS AND FOR COUNT 3

10. Defendant repeats and reiterates the answers to allegations contained in Paragraphs "1" through "33" of the Complaint inclusive, as if fully set forth herein.

11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "34" of the Complaint.

12. Defendant admits the allegations contained in paragraph "36" of the Complaint.

13. Defendant denies the allegations contained in paragraphs "35," "37," "38," and "39" of the Complaint.

AS AND FOR COUNT 4

14. Defendant repeats and reiterates the answers to allegations contained in Paragraphs "1" through "40" of the Complaint inclusive, as if fully set forth herein.

15. Defendant admits the allegations contained in paragraph "41" of the Complaint.

16. Defendant denies the allegations contained in paragraphs "42" and "43" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

17. The Complaint fails to state a claim upon which relief may be granted for non-dischargeable as Plaintiff has failed to properly plead the elements of a claim under 11 U.S.C. § 523(a)(6). The facts do not support such a denial of the dischargeability of Plaintiff's claim under 11 U.S.C. §523(a)(6).

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

18. Plaintiff failed to suffer an injury from the Defendant's alleged conduct. Moreover, any injury allegedly sustained by the Plaintiff was not the result any actions undertaken by the Defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

19. The Debtor did not intend to cause the injury to the Plaintiff. Moreover, it was not all substantially certain that any injury to Plaintiff would occur as a result of Defendant's alleged conduct.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

20. The actions taken by Defendant were not done with "malice" or with no just cause or excuse. Rather, the Defendant's actions were justified to protect him and his family from harm.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

21. The findings upon which the judgment of liability against the Defendant are based are clearly erroneous and are the subject of a pending appeal.

WHEREFORE, it is respectfully requested that the Complaint be dismissed in all respects and that the Defendant be granted such other and further relief as to the Court may seem just and proper.

Dated: White Plains, NY
October 28, 2015

Respectfully Submitted,

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